IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25017 of 2004

Between:

Neelapu Bhudevi, w/o late Siva Rao, R/o Kella Street,
Srikakulam Town & Mandal, Srikakulam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Srikakulam.
2 The Revenue Divisional Officer, Srikakulam.
3 The District Collector, Srikakulam.
4 The Chief Commissioner of Land Administration, Andhra Pradesh,
Nampally, Hyderabad.
5 The Government of A.P., rep., by its Principal Secretary to
Government, Revenue (Assign.III) Department, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not issuing Pattadar pass book and title deeds for the land in question for an extent of Ac.0.80 cents in S.No.38/2 of Arsavalli Village, Srikakulam and further taking steps to allocate the said land to third parties as arbitrary, illegal and violative of Articles 14, 21 and 300 of the Constitution of India and consequently direct the respondents to issue Pattadar Pass Book and Title Deeds for an extent of Ac.0.80 cents in Survey No.38/2 situated in Arsavalli Village, Srikakulam.

For the Petitioner: MR. M. KESAVA RAO, Advocate

For the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent the writ petition itself is disposed of at the stage of admission.

The petitioner claims to be owner of Ac.1-40 cents of land situated in Survey No.38/2 of Arsavalli village of Srikakulam District by virtue of the D-form patta granted by the Tahsildar, Srikakulam vide Roc. No.1745/68/A32, dated 15-12-1968. It is stated that out of the said land she sold an extent of Ac.0-60 cents to third parties. On mere apprehension that the respondents are going to cancel her D-form patta and take steps to evict her from the remaining extent of Ac.0-80 cents of land so as to alienate it to third parties on payment of market value, without considering her alleged continuous possession for more than 57 years, she filed the present writ petition seeking a direction to the respondents not to interfere with her peaceful possession and enjoyment over the land, and to issue pattadar pass book and title deeds in her favour in respect of the land.

Any cancellation of the D-Form Patta granted to the petitioner, shall only be after following the due process of law, in that, they shall issue notice to the petitioner calling for her explanation, after considering the explanation that may be submitted by her, pass appropriate orders, and till such exercise is undertaken, status quo obtaining as on today shall be maintained by the parties as regards the possession of the petitioner. If the respondents have already followed the due process of law in the matter, they are liberty to take consequential steps in accordance with the decision they have taken.

Accordingly, the writ petition is disposed of at the stage of admission.

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N.V. RAMANA, J

Date: 31-12-2004

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To

1 The Mandal Revenue Officer, Srikakulam.
2 The Revenue Divisional Officer, Srikakulam.
3 The District Collector, Srikakulam.
4 The Chief Commissioner of Land Administration, Andhra Pradesh, Nampally, Hyderabad.
5 The Principal Secretary to Government, Government of A.P., Revenue (Assign.III) Department, Hyderabad.

6 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

7 Two CD copies.